

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:12cr62

UNITED STATES OF AMERICA,	)	
	)	
Appellee,	)	
	)	
	)	
vs.	)	<u>O R D E R</u>
	)	
	)	
CHRISTOPHER GAVIN PLEMMONS,	)	
	)	
Appellant.	)	
	)	

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**THIS MATTER** is before the Court on the Appellant's Notice of Appeal [Doc. 2] and Motion to Stay Execution of Judgment [Doc. 3].

On March 16, 2012, the Appellant Christopher Gavin Plemmons was issued a citation for possession of cocaine in the Pisgah National Forest. [Violation Notice, Doc. 1 at 1-2]. On June 14, 2012, the Appellant was found guilty of this offense by the Honorable Dennis L. Howell, United States Magistrate Judge and was ordered to thirty days of imprisonment. [Judgment, Doc. 1 at 3]. The Appellant, through his appointed counsel, filed a timely Notice of Appeal from the Magistrate Judge's Judgment on June 15, 2012. [Doc. 2]. The Appellant requests that the Court continue the appointment of

counsel for this appeal. [Id.]. The Appellant further moves to stay execution of the Judgment pending the appeal. [Doc. 3].

A timely notice of appeal having been filed, the Court therefore will enter a scheduling order for the briefs on appeal. The Court further will continue the appointment of counsel and stay the Appellant's sentence of imprisonment pending the resolution of this appeal. See Fed. R. Crim. P. 38(b)(1); Fed. R. Crim. P. 58(g)(3).

**IT IS, THEREFORE, ORDERED** that the Appellant shall file his brief on appeal on or before thirty (30) days from entry of this Order. The Appellee shall file its brief on or before thirty (30) days from the filing of the Appellant's brief.

**IT IS FURTHER ORDERED** that attorney Derrick R. Bailey is hereby appointed as counsel for the Appellant during the pendency of this appeal.

**IT IS FURTHER ORDERED** that the Appellant's Motion to Stay Execution of Judgment [Doc. 3] is **GRANTED**, and the execution of the Appellant's sentence of imprisonment is hereby stayed during the pendency of this appeal.

**IT IS SO ORDERED.**

Signed: June 21, 2012



Martin Reidinger  
United States District Judge

